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December 1, 1993

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Amendment of Section 73.202(b),
FM Table of Allotments
Staples, Minnesota
(MM Docket No. 93-219, RM-8290)

Dear Mr. Caton:

Transmitted herewith on behalf of NorMin Broadcasting Co. is an original and four copies of its request for rescission of modification in the above-referenced rule making proceeding. This request is respectfully directed to the Chief, Allocations Branch.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,


John F. Garziglia

Enclosures

cc: Mr. John Grizzle (via hand delivery)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	MM Docket No. 93-219
)	
Amendment of Section 73.202(b))	RM-8290
Table of Allotments,)	
FM Broadcast Stations.)	
(Staples, Minnesota))	

To: Chief, Allocations Branch

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REQUEST FOR RECISION OF MODIFICATION

NorMin Broadcasting Company, by its attorneys, pursuant to Section 1.429 of the Commission's rules, hereby requests a recision of the modification to the FM Table of Allotments made in this proceeding under which Channel 234C3 was substituted for Channel 234A at Staples, Minnesota, and the construction permit for Station KSKK(FM), Staples, Minnesota was modified to specify operation on Channel 234C3. NorMin Broadcasting Company further requests a dismissal of its rule making proposal to substitute Channel 234C3 for Channel 234A at Staples, Minnesota.

Subsequent to the filing of the petition for rule making by NorMin Broadcasting Company in this proceeding, the Commission amended its rules to permit FM channel and class modifications by application under a one-step upgrade process. See FM Channel and Class Modifications by Application, 58 Fed. Reg. 38534, published July 19, 1993. On November 2, 1993, NorMin Broadcasting Company filed an application seeking to take advantage of the Commission's new rules permitting an upgrade in facilities by the application process. See FCC File No. BMPH-931102IE. On the

same day that this application was filed, the Commission issued a report and order substituting Channel 234C3 for Channel 234A at Staples, Minnesota, and modifying the construction permit for KSKK(FM) to specify operation on Channel 234C3. See Staples, Minnesota, DA 93-1268, released November 2, 1993.

Rather than seeking a dismissal of its now-pending FM application for a one-step upgrade, NorMin Broadcasting Company has determined that the Commission's resources would be most efficiently used by the continued processing of its one-step application now on file and a dismissal of the rule making proposal that has not yet become final.^{1/} NorMin Broadcasting Company will continue to prosecute its one-step application now on file with the Commission. Since the channel substitution granted by the rule making has not yet become effective, the upgrade of KSKK(FM) will be expedited by its processing under the new one-step application rules.

The Commission has sanctioned the use of this procedure being requested by NorMin Broadcasting Company. In FM Channel and Class Modifications by Application, the Commission stated that:

A rule making petitioner who has submitted a proposal that, upon the effective date of the new rules, could be advanced in the form of

^{1/} Staples, Minnesota was published in the Federal Register on November 9, 1993 (58 Fed. Reg. 59375). Accordingly, the modification of the construction permit does not become final until December 9, 1993. In addition, the report and order in Staples, Minnesota, specified that the channel modification did not become effective until December 17, 1993. Accordingly, this request is timely filed.

an application, will be permitted to withdraw its rule making petition and resubmit its proposal in the form of an application.

NorMin Broadcasting Company has reviewed the Table of Allotments and the Commission's records for earlier filed petitions for rule making and for earlier filed applications that may be in conflict with its one-step upgrade application. It has not found any such petitions or applications that would be in conflict. Therefore, it appears that the continued prosecution of its one-step upgrade application is the desirable course.

Accordingly, in order to expedite the upgrade of KSKK(FM), NorMin Broadcasting Company respectfully requests a rescision of the substitution of Channel 234C3 for Channel 234A and the modification of the permit of KSKK(FM) to specify operation on Channel 234C3 and requests a dismissal of its earlier filed rule making proposal to make such modifications to the FM Table of Allotments.

Respectfully submitted,

NORMIN BROADCASTING COMPANY

By: 
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Its Attorney

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December 1, 1993